VIA ELECTRONIC MAIL: dmcclure@waterboards.ca.gov

16 December 2009

Mr. Daniel McClure, P.E.
Water Resource Control Engineer/Project Manager TMDL Unit
Central Valley Regional Water Quality Control Board (CVWRQCB)
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670

RE: Phase-III Water Quality Criteria (WQC) Derivation Method Developed for Diazinon

Dear Mr. McClure:

The Western Plant Health Association (WPHA) welcomes the opportunity to comment on the technical document authored by Amanda Palumbo, Ph.D., Patti TenBrook, Ph.D., Tessa Fojut, Ph.D., and Ronald Tjeerdema, Ph.D., of the Environmental Toxicology Department, University of California at Davis, concerning their updated methodology for deriving freshwater water quality criteria for the protection of aquatic life that was previously developed (TenBrook et al. 2009); entitled "Diazinon Criteria Derivation - Draft."

WPHA represents the interests of fertilizer and crop protection manufacturers, distributors, formulators and retailers in California, Arizona, and Hawaii, and our members comprise more than ninety percent of all the companies marketing crop protection products in these states.

WPHA restates for the written record our previous concerns about the CVRWQCB embarking so quickly and narrowly focused policy towards developing an excessively conservative WQC Method for 7 active ingredients to then be applied to listed "waterbodies" just within the Central Valley. In the interest of brevity, please refer to our previously submitted comment letter on diuron that had outlined our reasoning for objecting to this initiative, and had offered in its place our recommendation to closely monitor and adhere to US EPA's national program to address issues you have raised over limited aquatic toxicity data from pesticides.

In accordance with the request for public comments, WPHA is providing the following items for your sincere consideration before finalization of this WQC Method for diazinon:

1. WPHA is quite concerned about using the unacceptable toxicity data from cladocerans to support the author's (Palumbo et al.) chronic criteria from the scientifically established 0.2µg/L to 0.1µg/L in an effort to protect cladocerans (water fleas).

2. The results from the Giddings et al. 1996 microcosm study should be used as the scientific justification for maintaining the original chronic value of 0.2µg/L rather than the lower value of 0.1µg/L.

3. WPHA finds it quite interesting that the author's acute diazinon toxicity data screening process only yielded 13 species values that were deemed acceptable for use in the Species Sensitivity Distribution (SSD). This appears to be rather sparse in comparison with the robust toxicity data set for diazinon.

4. WPHA believes that the numerous deficiencies in the author's (Palumbo et al.) outlined process to review toxicity data require revision. For example, a total of 4 forms need to be completed if the relevance score in Table 3.6 is to be greater than or equal to 70 (TenBrook et al. 2009). It is more appropriate to first establish criteria that must be scientifically acceptable before conducting subsequent evaluation of toxicity data documents. This could lead to inaccurate and unsupportable conclusions.

5. WPHA expresses our concern regarding the exclusion of data that may be valid in the author's WQC Method for diazinon. Such omissions could result in the use of additional safety factors based on a high degree of uncertainty. We appreciate the fact that published peer-reviewed literature is constrained by page space limitation requirements. However, this type of limitation may result in a lack of important details on tolerance values for test species subject to various water quality parameters, dilution water information, and information on prior contaminant exposure which may cause inappropriate scoring reductions that may be lead to data rejection (see Table 3.8 of TenBrook et al. 2009).

Thank you for your consideration of WPHA's comments concerning the updated methodology for deriving freshwater WQC for the protection of aquatic life authored by Dr. Palumbo et al. WPHA looks forward to reviewing your responses to our letter. We continue to welcome all opportunities to work with CVRWQCB on this and other important water quality issues.

Sincerely,

Nasser Dean
Director, Environmental & Regulatory Affairs

cc via email: Ken Landau, Assistant Executive Officer
Jerry Bruns, Environmental Program Manager
Tessa Fojut, Ph.D., University of California at Davis